

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHAD FREEMAN, NICK SALEM AND  
JASON MEINEN

*Plaintiffs,*

V.

CALCON MUTUAL MORTGAGE, LLC  
D/B/A ONETRUST HOME LOANS

*Defendant.*

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CAUSE NO. \_\_\_\_\_

## DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant CALCON MUTUAL MORTGAGE, LLC D/B/A  
ONETRUST HOME LOANS, in the above-captioned cause, and files this its Notice of Removal,  
and respectfully show the Court as follows:

## I. STATE COURT ACTION

1. This case was initially filed in the 152<sup>nd</sup> Judicial District Court of Harris County, Texas. The state court action is styled Cause No. 2018-12125; *Chad Freeman et al. v. CalCon Mutual Mortgage, LLC d/b/a OneTrust Home Loans*; in the 152<sup>nd</sup> Judicial District Court of Harris County, Texas.

## II. PARTIES

2. Plaintiff Chad Freeman resides in and is a citizen of Texas.
3. Plaintiff Nick Salem resides in and is a citizen of Texas.
4. Plaintiff Jason Meinen resides in and is a citizen of Texas.

5. Defendant CalCon Mutual Mortgage, LLC d/b/a OneTrust Home Loans (“Defendant”), is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of California.

### **III. JURISDICTION**

6. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332. Further, this action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1446.

7. Removal of this case is proper because this is a civil action between citizens of two different states within the meaning of 28 U.S.C. § 1332; and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. Plaintiffs are residents and citizens of the State of Texas. Defendant is organized under the laws of the State of Delaware with its principal place of business in the State of California.

### **IV. TIMELINESS**

9. Defendant was served with process and Plaintiffs’ First Amended Petition on April 3, 2018. Thirty days has not elapsed since Defendant was served with process. As such, pursuant to 28 U.S.C. § 1446(b), this notice of removal is timely and proper.

### **V. ATTACHMENTS**

10. Pursuant to 28 U.S.C. § 1446(a) and local rule LR81, the following exhibits are attached hereto and are incorporated herein by reference:

Exhibit A: All executed process in the case;

Exhibit B: Plaintiffs’ Original Petition;

Exhibit C: Plaintiffs’ First Amended Petition;

- Exhibit D: Defendant's Original Answer;
- Exhibit E: State Court Docket Sheet;
- Exhibit F: Index of all matters being filed;
- Exhibit G: List of All Counsel of Record.

The Court has issued no orders in the State Court proceeding.

## **VI. CONDITIONS PRECEDENT**

11. Defendant has tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with a Notice of Removal. A copy of this Notice of Removal is also being filed in the 152<sup>nd</sup> Judicial District Court of Harris County, Texas, and all counsel of record are being provided with complete copies.

## **PRAYER**

12. Removal of this lawsuit is proper because: (1) complete diversity exists between Defendant and Plaintiffs; (2) Plaintiffs' alleged claims exceed \$75,000; and (3) Defendant timely removed the case. For the reasons above, Defendant CalCon Mutual Mortgage, LLC d/b/a OneTrust Home Loans can remove this lawsuit.

WHEREFORE, PREMISES CONSIDERED, Defendant CalCon Mutual Mortgage, LLC d/b/a OneTrust Home Loans respectfully requests that the above action, styled Cause No. 2018-12125; *Chad Freeman et al. v. CalCon Mutual Mortgage, LLC d/b/a OneTrust Home Loans*; in the 152<sup>nd</sup> Judicial District Court of Harris County, Texas be removed to this Court.

Respectfully submitted,

MICHAEL P. FLEMING & ASSOC., P.C.

By: /s/ Michael P. Fleming

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CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of April 2018, a true and correct copy of the foregoing was served pursuant to Fed. R. Civ. P. 5(b) on all parties of record as follows:

Melina B. Cain

Lee Keller King

CAIN KING

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Houston, TX 77006

*Attorney for Plaintiff*

/s/ Audrey Manito

Audrey Manito